

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

GREGORY RUTH)
)
 Plaintiff)
)
 v.) CASE NO.: 3:06-CV-1137-WKW
)
 THE CADLE COMPANY,)
)
 Defendant.)

ANSWER AND MOTION TO STAY

COMES NOW the Defendant, The Cadle Company, and for answer to the Complaint heretofore filed in this cause states as follows:

7. Defendant does not dispute that venue is proper in this Court.
8. Defendant denies that portion of paragraph 2 of the Complaint wherein it is stated that the Plaintiff's personal privacy was violated and the Defendant made an illegal effort to collect a consumer debt.
9. Defendant admits that the conduct complained of occurred in Russell County, Alabama. Defendant denies that it wrongfully and without probable cause and with malice caused a law suit to be filed in that Circuit Court naming Plaintiff as Defendant.
10. Defendant does not deny the allegations of paragraph four of the Complaint.
11. Defendant admits it is an Ohio Corporation doing business in the State of Alabama and its address is stated correctly.
12. Defendant denies it is a "debt collector" as defined by FDCPA, 15 U.S.C. § 1692 (6).
13. Defendant denies the allegations of paragraph 7 of the Complaint.
14. Defendant believes the allegations of paragraph 8 of the Complaint to be true.
15. Defendant denies the allegations of paragraphs 9, 10, 11, 12, and 13 of Complaint.
16. Defendant admits allegations of paragraphs 14 and 15 of the Complaint
17. Defendant denies the allegations of paragraphs 16, 17, 18 and 19 of the Complaint.
18. Paragraph 20 of the Complaint does not require a response.

19. Defendant admits the allegations of paragraph 21 of the Complaint.
20. Defendant denies the allegations of paragraphs 22 and 23 of the Complaint.
21. Paragraph 24 of the Complaint does not require a response.
22. Defendant admits the allegations of paragraph 25 of the Complaint.
23. Defendant denies the allegations of paragraphs 26, 27, 8 and 29 of the Complaint.
24. Paragraph 30 of the Complaint does not require a response.
25. Defendant admits the allegations of paragraph 31 of the Complaint.
26. Defendant denies the allegations of paragraph 32, 33, 34, 35, 36, and 37 of the Complaint.
27. Paragraph 38 of the Complaint does not require response.
28. Defendant admits the allegation of paragraph 39 of the Complaint.
29. Defendant denies the allegations of the paragraphs 40, 41, 42, 43 and 44 of the Complaint.
30. Paragraph 45 of the Complaint does not require a response.
31. Defendant denies the allegations of paragraph 46 of the Complaints.
32. Defendant admits the allegations of paragraphs 47 and 48 of the Complaint
33. Defendant denies the allegations of paragraphs 49 and 50 of the Complaint
34. Paragraph 51 of the Complaint does not require a response
35. Defendant denies the allegations of paragraphs 52, 53, 54, 55, 56 and 57.

As an additional Defense, the Defendant requests this matter be stayed pending a decision of the Alabama Court of Civil Appeals in the matter of *The Cadle Company v. Gregory Ruth* presently pending in Case No. 2060287. This Complaint arose out of the action filed by Defendant against Plaintiff in the Circuit Court of Russell County, Alabama in case no. CV-05-516. Plaintiff and Defendant each filed Motions for Summary Judgment and the Court granted Summary Judgment in favor of the Defendant in the Alabama Circuit Court Case. The Plaintiff in the Circuit Court case has now appealed to the Alabama Court of Civil Appeals and said matter is now pending. It is Defendant position that until such time as the Appeal has been heard by the Alabama Appellate Court this matter should be stayed. There will not be complete resolution of this matter as to the rights of the parties until such time as the Alabama Appellate Court has an opportunity to rule.

Respectfully Submitted,



Jack R. Thompson, Jr.
Attorney for Defendant

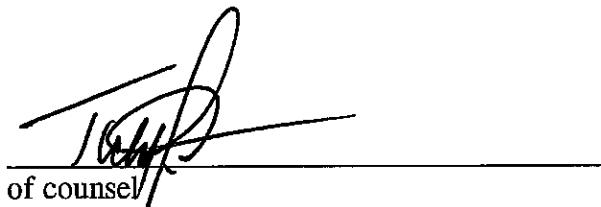
OF COUNSEL:

KRACKE & THOMPSON, LLP
Lakeview School Building, Suite 300
808 29th Street South
Birmingham, Alabama 35205
Telephone (205) 933-2756
e-mail jthompson@ktlegal.com

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the foregoing Motion was served upon all counsel of record by deposit thereof in a postage paid, pre-addressed envelope, under the care of the United States Postal Service on this the 18th day of January, 2007, upon:

Glenn J. Shaull
Shaull Law Firm, P.C.
The Highland Building
2201 Arlington Avenue South
Birmingham, AL 35205-4003



of counsel